

**MINUTES**  
**UTAH**  
**CHIROPRACTIC PHYSICIAN LICENSING BOARD**  
**MEETING**  
**October 13<sup>th</sup>, 2011**

**Room 464 (Fourth Floor) - 9:00 a.m.**  
**Heber M. Wells Building**  
**Salt Lake City, UT 84111**

**CONVENED: 9:00 a.m.**

**ADJOURNED: 12:00 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Craig D. Campbell, DC; Chairman  
Carlyle Bret Whittaker, DC  
Michael D. Smithers, DC  
Jay D. Anderson, DC  
Ed Sperry, Public Member

**Board Member Absent**

None

**Guests:**

Tim Apgood, Utah Chiropractic Physicians  
Association  
Gordon M. McClean, DC; Chiropractic Physician  
Quality and Standards Committee  
Celeste Rosquist, wife of Ronald Rosquist  
Trevor Williams

**DOPL Staff Present:**

Debbie Harry, Compliance Specialist

**TOPICS FOR DISCUSSION**

**ADMINISTRATIVE BUSINESS:**

**Minutes:**

**DECISIONS AND RECOMMENDATIONS**

The minutes from the July 14<sup>th</sup>, 2011 were reviewed. Dr. Whittaker made a motion, seconded by Dr. Anderson, to approve the minutes as written. The motion passed unanimously.

**APPOINTMENTS:**

**Debbie Harry, Compliance Unit Specialist**

Ms. Harry presented the status reports on the probationers being interviewed today.

**Bruce Van Gundersen**

Dr. Campbell interviewed Dr. Gundersen. He stated he has been busy the last several months. At the last Board meeting with him, the Board requested he take an Ethics course and report back. He stated he had attended the Probe course. The attendees were able to discuss their violations, after which several different scenarios were presented. Dr. Gundersen noted the people who gave the classes and training were very

astute and extremely articulate. He also noted the facilitators were very good at being able to help people with their transgressions. He learned that his word was his bond. The Board asked him if he really had it this time; he stated he thought so. He knows he has to do additional classes Ms. Harry will get back to him on which class to take. He stated he wouldn't mind going to Probe again. It was a very good program. He and the Board noted the chip that had seemed to be on his shoulder was gone. Dr Gundersen informed the Board he had his new auditor, Dr. Ted Conger. Dr Conger was no nonsense and right to the point, he was able to take right over. Dr. Gundersen stated he was friendly and did a good job. The Board requested to see him at the January 12<sup>th</sup>, 2012 meeting. **Compliant**

**Michael K. Lindstrom**

Dr. Smithers interviewed Dr. Lindstrom. He stated he had completed the required analysis with Dr. Sears and sent in the report. The Board requested Dr. Lindstrom tell the Board what he has learned through this probationary period. He stated it was a real learning experience. He stated it had been both interesting and very educational. He stated he has learned to be more aware of what the laws are and not treat them so casually. He stated he likes having an open treatment space. His stress is ongoing with his wife and their divorce. The Board noted that anger can be suppressed for awhile however they wanted to make sure it did not explode. Dr Lindstrom stated the anger problem is hers not his. The Board noted Dr. Lindstrom probation is scheduled to end November 10<sup>th</sup>, 2011. Dr. Smithers made a motion, seconded by Dr. Whittaker, to have the probation end on the original ending date of November 10<sup>th</sup>, 2011. The Board noted they must use the date of the Director's signature. Mr. Sperry made a motion, seconded by Dr. Anderson, to make clear the release date for Dr. Lindstrom was November 10<sup>th</sup>, 2011. The vote was unanimous. The Board voiced concern regarding anger issues not being resolved. The Board noted they felt they had failed him even though he had done the things the Board could require him to do. **Compliant**

**Derek Birch**

Dr. Whittaker interviewed Dr. Birch. He stated he did have something to present to the Board. He stated prior to last visit he called the court to see what was going on with his case. He learned the judge decided

**Derek Birch** (continued)

to dismiss the case per the plea in abeyance. His lawyer stated he should go for expungement. He stated he has a certificate of expungement with his attorney right now. The Board explained criminal and administrative probation are two different probations. Administrative probation cannot be expunged. They will put copy of the expungement record in his file. He stated he is still working with Walmart. He stated he has followed up on some Chiropractic leads. He stated there is a Chiropractic Physician who may be looking for an associate and plans to give him a call. He stated his wife is not feeling well. The Board stated it feels he would be a benefit to the Chiropractic field and maybe help with Walmart's insurance policy to the benefit of chiropractors being covered in their policy. The Board noted he needed to get back in contact with his mentor. He stated his spiritual contacts are in order and the community support is great. He stated he needs more time to do his CE's but will get them done. The Board requested to see him at the April 12th, 2012 meeting. **Compliant**

**Steven Scott Garvert**

Mr. Sperry interviewed Dr. Garvert. He stated he is doing fine. The Board noted this is his last meeting with them. He stated throughout this process he has been very humbled, he has learned not to deviate from the laws; basically you just don't cross the line. He has put some policies and procedures in place to help him not cross the line. He stated he thinks he is probably more compliant than most Chiropractic physicians. He stated his family is okay and very supportive. The Board could see improvement in Dr. Garvert. The Board noted he has learned and incredibly painful lesson. He has dotted his "i's" and crossed his "t's". He stated he is looking for CE's. Mr. Tim Apgood stated he has a CE course coming up and invited Dr Garvert to contact him. The Board suggested he talk with Mr. Apgood and maybe put together a presentation on what to do and not do and the consequences. He stated he would be willing to help other doctors wherever he could. Mr. Sperry made a motion, seconded by Dr Anderson, to amend the order for an early release and activate his license as of today, October 13<sup>th</sup>, 2011. The vote was unanimous. **Compliant**

**Ronald L. Rosquist**

Dr. Anderson interviewed Dr. Rosquist. He stated he is current on his CE's, all his reports are up to date and

**Ronald L. Rosquist** (continued)

chaperone logs were in. He stated he attended the injectables seminars; it was a fun experience. He stated if his chaperone was not available when needed for client services then he goes into the break room for a few minutes until chaperone is ready. He stated his morning prayers help him keep his thoughts where they need to be and stay in balance. Through this experience he has learned the person on the table is not his friend, it is his patient. He stated he feels like this has been a life lesson for him. The Board noted Dr. Rosquist is a very good communicator but some times he is a little sarcastic. The Board determined the reason for the sarcasm has to do to do with boundary issues with the opposite sex. The Board noted specifically he referred to his assistants as girls when they are functioning adults and individuals. The Board will stick with his original release date and they noted he has done well on his probation. The Board requested to see him at the January 12<sup>th</sup>, 2012 meeting. That is scheduled to be his last meeting with the Board. **Compliant**

**Kip C. Porter**

Dr. Campbell interviewed Dr. Porter. He stated he was working in the field and enjoys having clients come in and enjoys having a shadow. He stated has learned to not cut corners just because someone is in the waiting room. He stated his patients enjoy him having a shadow. He stated he has enjoyed getting together with other doctors and going to classes. He stated he wants to help as many people as he can; that the mentoring he has been receiving from other Chiropractic physicians has been so beneficial. He stated he would love to mentor someone. The Board suggested he find someone to mentor and get back to the Board with that persons name. He had a suggestion for probation policies. He stated he thought maybe the Board could be a little more active or maybe become a little more proactive so the Board meeting is not just a meeting. His suggestion included a Board member could go to the probationer's office and watch him check or watch him or assign the probationer to go watch how someone else runs their office. Dr. Porter stated it seemed like there was a disconnect between the Board and the probationers. Ms. Stewart pointed out the disconnect was on purpose. When action needs to be taken against a licensee, the Board acts as judge and jury and they

**Kip C. Porter** (continued)

don't want to compromise the Board. The Board must remain unbiased. She indicated she would see what additional interaction could happen. The Board discussed possibly using the Chiropractic Physician Quality and Standards Committee to possibly go out and drop in on probationers. Mr. Sperry made a motion, seconded by Dr. Anderson, to amend Dr. Porter's MOU and make his license active as of today, October 13<sup>th</sup>, 2011. The vote was unanimous.  
**Compliant**

**DISCUSSION ITEMS:**

**Orders and Referrals**

Dr. Smithers noted for the Board he has in the past been able to obtain x-rays and other services requested for his clients from a large chain of hospitals. He received notification the orders were not being recognized. The order was refused the hospital stated they will no longer take any orders. He noted this could be extremely problematic, especially if more of the hospitals were to follow suit. Dr. Smithers went to the hospital, and together called the home office in Tennessee. Orders are now being recognized again. The Board discussed some Chiropractic Physicians have a standing agreements with area doctors that they will sign the Chiropractic Physicians orders. The Board appreciated the heads ups.

**New Clinic Concerns: Continuing  
Discussion from previous meeting**

The Board discussed the issues of Chiropractic Physicians possibly causing harm to the public, by not taking x-rays and getting a complete medical history of patients. Chiropractic Physicians are not doing anything illegal, by not taking x-rays and completed medical histories. The Board discussed the scope of practice for Chiropractic Physician is very broad. The investigation department at DOPL is complaint driven. The investigators have not received a complaint concerning the new clinic to date. The Board discussed if primary care physicians are or are not violating the standard of care. The Board wanted to be proactive with any problems that may arise. Dr. McClean suggested putting in rule that doctors must use CPT codes. To establish a Standard of Care, additions to the Rule would have to be written. They would have to be written under the law. The Board discussed limiting what a doctor can do would be problematic. In the interim Mr. Apgood, Dr. McClean and Dr. Knight will work together to do the some research making sure it does not become an economic

issue. Investigators may contact the Standards Committee if they have any questions about the scope of practice. Dr. Whittaker made a motion, seconded by Dr. Anderson, that a group of individuals provide research information to the Board at the next meeting. The vote was unanimous.

### **Possible Rule Change**

The Board discussed changing the Rule concerning what can and cannot be delegated to an unlicensed Chiropractic Assistant. The Board discussed Chiropractic Assistants not being licensed currently. The Chiropractic Assistant may not diagnose or discuss the interpretation of what that diagnosis means. The Board discussed that assistants are not to use lasers. The Board also discussed hot or cold lasers and the classification of lasers as governed by the FDA. Dr. Whittaker made a motion, seconded by Dr. Anderson, to make the changes to the Rule. The vote was unanimous. The proposed change will be placed “in the flow” as soon as possible. Ms. Stewart will send an e-mail with the purposed changes to the Board.

### **Trevor Williams**

Mr. Williams stated he came to learn more about the Chiropractic Physicians. He noted while he was here the Board makes recommendations of programs to help people. He stated a program that would definitely change people attitudes is Landmark Education and left some handouts.

### **Next Scheduled Meeting:**

Thursday, January 12<sup>th</sup>, 2012

### **ADJOURN: 12:00 p.m.**

(no motion required)

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

January 12<sup>th</sup>, 2012

(ss) Craig D. Campbell, Chairman

Date Approved

Chiropractic Physician Licensing Board

January 12<sup>th</sup>, 2012

(ss) Sally A. Stewart, Bureau Manager

Date Approved

Division of Occupational & Professional Licensing